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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000486

SIPDIS

DEPARTMENT FOR EUR/SE

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TU](#)

SUBJECT: CSCE STAFFERS PRESS GOT ON RELIGIOUS FREEDOM, FREE SPEECH

REF: A. ANKARA 8881  
B. ANKARA 6116

**¶1.** (U) Summary: In discussions on religious freedom, free speech, and other human rights issues with GOT officials, human rights activists, and religious groups in Ankara, two Commission on Security and Cooperation in Europe (CSCE) staffers praised recent GOT reforms and urged continued progress. They recommended the GOT: lift obstacles preventing non-Muslim groups from owning and renting property; consider allowing the Halki Seminary to re-open; re-evaluate the ban on headscarves in universities; remove remaining restrictions on non-violent speech; and expand the right to broadcast in non-Turkish languages. GOT officials said they have to proceed cautiously on reforms to avoid instability. End Summary.

**¶2.** (U) Chadwick R. Gore, CSCE Staff Advisor, and H. Knox Thames, CSCE Staff Member, traveled to Ankara January 12-16, before heading for Diyarbakir and Istanbul.

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Restrictions on Non-Muslims  
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**¶3.** (U) Thames handed various GOT officials a two-page list of churches closed by the State in recent years, and a copy of an August 2001 Ministry of Interior circular advising provincial governors not to allow Protestant churches to rent property. Thames said the circular had led to the closing of a Protestant church in Iskenderun. Turkish law has traditionally prohibited non-Muslim groups from owning property (note: the impact of recent reforms remains unclear. End Note.); if these groups are not allowed to rent property, then they are effectively prevented from practicing their faith. Nezih Dogan, Interior Ministry Secretary General, said he is not aware of the circular, but denied that the GOT discriminates against any religions. He noted that the Constitution guarantees freedom of religion, and said some churches may have been closed for violating zoning laws or failing to obtain approval for buildings. Burhan Kuzu, chairman of the parliamentary Constitutional Committee, argued that because Turkey has long been plagued by terrorism the GOT has to closely monitor which organizations are renting properties, and for what purpose. He said the GOT is concerned about "intensive efforts" by certain organizations to rent property, and has doubts about the supposed religious purposes of some properties.

**¶4.** (C) Joseph McClintock and Ihsan Ozbek, of the Alliance of Protestant Churches of Turkey, said the GOT makes it difficult for Christian groups to operate. They said GOT officials recently conducted background checks on the five owners of the Alliance's "Radio Shema" station and determined that none could be authorized to own a station. The officials told Alliance members to either find new owners or shut down.

**¶5.** (U) Thames asked Nurettin Yardimci, Director General of Foundations, whether recent reforms allowing non-Muslim foundations to own property (Reftels) will apply to groups other than those traditionally considered to be recognized in the 1923 Lausanne Treaty (Greek Orthodox, Armenian Orthodox, and Jews). Yardimci initially said the new law would apply to all groups without restrictions; however, after consulting with a legal advisor, he said the details will be spelled out in the implementing regulations.

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Halki Seminary  
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**16.** (U) Thames asked Mehmet Elkamis, chairman of the parliamentary Human Rights Committee, whether the new GOT could reach an agreement on re-opening the Halki Seminary, closed since 1971 when the State nationalized most private institutions of higher learning. The Ecumenical Patriarchate in Istanbul has consistently sought permission to reopen. Elkamis said he does not expect any progress on Halki in the immediate future. He said any solution on Halki will have to include an agreement with Greece on eastern Thrace, where, he said, Athens refuses to allow religious freedom for the Turkish Muslim minority.

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Headscarf Ban  
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**17.** (U) Kemal Guruz, president of the Higher Education Council (YOK), the institution that, among other things, enforces the ban against wearing Islamic headcovering in universities, said the Turkish state rests on a foundation of secularism, which YOK is obliged to help preserve. Guruz said the Koran has two parts: the first deals with broad issues of morality, much like the Bible, while the second contains religious laws designed to regulate every aspect of one's life. In Turkey, this Koranic "religious law" has been replaced with "positive law," meaning law that has been "filtered through human intellect." This is what distinguishes Turkey from "mullah regimes" like Iran and Saudi Arabia. Those students who want to wear headscarves on campus pose a direct threat to the State. If YOK were to allow headscarves, it would effectively be telling university students they could choose between religious law and positive law, which is unacceptable. Thames said YOK might be creating a vicious cycle; by refusing to accept headscarved students YOK is failing to engage the minds of a significant portion of Turkish society. Guruz disagreed, noting that women comprise about 45 percent of university students despite the ban.

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Freedom of Speech  
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**18.** (C) Gore praised recent freedom-of-speech-related GOT reforms (reflets), and suggested the GOT offer an amnesty for prisoners currently jailed for speech crimes. He suggested the GOT should further loosen speech restrictions, with the goal of protecting all expression not linked to violence. Elkamis said there is no broad support for an amnesty, and argued that the focus should be on the future. Kuzu said the GOT has to proceed cautiously on speech reform. He said public commentary in Turkey frequently goes beyond criticism, providing rhetorical support for terrorism. The press is a powerful institution whose freedom should not be unlimited. Kaan Esener, head of the MFA's Council of Europe Affairs Department, said outside observers often believe defendants in Turkish court cases are being persecuted for speech, when in fact they are charged with aiding terrorists.

**19.** (U) Zakir Avsar, vice president of the High Board of Radio and Television (RTUK), said the recent legal amendments lifting the ban against broadcasting in certain non-Turkish languages do not permit private broadcasting in those languages. Under the amendments, TRT, the state radio and television company, will decide which non-Turkish languages should be used in which areas, and will provide appropriate programming. Gore argued that this is unlikely to satisfy Turkey's linguistic minorities, as their communities will have no input into the programming content. He said outside observers consider this a major reform, but will be disappointed when they discover how narrowly it is being implemented. Avsar said the TRT programming is a first step; in order to further loosen restrictions on non-Turkish broadcasting the GOT will have to amend various laws and regulations and train broadcasters in the limits of free expression.

**10.** (U) Gore and Thames did not have the opportunity to clear this message.  
PEARSON